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May 11, 2006

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Via Express Mail  
(EV 725787021 US)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

"Express Mail" mailing label No. EV 725787021 US	
Date of Deposit:	May 11, 2006
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
Name:	Elie H. Gendloff
Signature:	

Re: U.S. Patent Application Serial No. 10/541,520  
(U.S. National Phase Entry of PCT/US04/00338)  
Title: AGGLUTINATION TESTS FOR DETECTION  
OF MICROORGANISMS  
Inventors: Edward R. Burns, John C. McKitrick and Ding Wen Wu  
Our File: 96700/1029

Dear Sir/Madam:

Pursuant to our receipt of a "Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)," enclosed please find the following documents for filing with the above-identified patent application in the names of Edward R. Burns, John C. McKitrick and Ding Wen Wu, entitled AGGLUTINATION TESTS FOR DETECTION OF MICROORGANISMS, comprising the following:

1. a copy of a "Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)" dated February 17, 2006 for the above-identified case (2 pages);
2. a "Preliminary Amendment and Reply to Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)" with a one-month extension of time requested therein (7 pages);

May 11, 2006

3. a Fee Transmittal, Form PTO/SB/17 (1 page);
4. a signed Declaration in compliance with 37 C.F.R. § 1.497(a) and (b) (3 pages total);
5. an Information Disclosure Statement, Forms PTO/SB/08A (1 page) and PTO/SB/08B (1 page) with 4 non-US patent references attached thereto;
6. an Amster Rothstein & Ebenstein LLP check in the amount of \$125 to cover the one-month extension of time fee and the late declaration surcharge, claiming small entity status; and
7. a return receipt postcard.

Small entity status was previously established and is still proper.

Please acknowledge receipt of the enclosed papers by stamping the enclosed postcard and returning same to us.

Respectfully submitted,

Amster, Rothstein & Ebenstein LLP  
Attorneys for Applicants  
90 Park Avenue  
New York, NY 10016  
212 336 8000

Dated: New York, New York  
May 11, 2006

By:   
Elie H. Gendloff  
Registration No. 44,704

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Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**FEE TRANSMITTAL**  
**For FY 2006**☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$ ) 125**Complete if Known**

Application Number	10/541,520
Filing Date	January 8, 2004 (I.A.)
First Named Inventor	Edward R. Burns
Examiner Name	to be determined
Art Unit	to be determined
Attorney Docket No.	96700/1029

**METHOD OF PAYMENT** (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account Deposit Account Number: 01-1785 Deposit Account Name: AMSTER ROTHSTEIN & EBENSTEIN LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION** (All the fees below are due upon filing or may be subject to a surcharge.)**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180
<b>Total Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>
- 20 or HP =	x	=
HP = highest number of total claims paid for, if greater than 20.		
<b>Indep. Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>
- 3 or HP =	x	=
HP = highest number of independent claims paid for, if greater than 3.		
		<b>Multiple Dependent Claims</b>
		<b>Fee (\$)</b>
		<b>Fee Paid (\$)</b>

05/19/2006 LLANDGRA-00000054 10541520

02 FC:2617 65.00 0P

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<b>Total Sheets</b>	<b>Extra Sheets</b>	<b>Number of each additional 50 or fraction thereof</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>
- 100 =	-	/ 50 =	(round up to a whole number) x	=

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): late declaration surcharge and one-month ext. of time fee - small entity status

**Fees Paid (\$)**

\$125

**SUBMITTED BY**

Signature	<i>Elie H. Gendloff</i>	Registration No. (Attorney/Agent)	44,704	Telephone	212-336-8000
Name (Print/Type)	Elie H. Gendloff	Date	May 11, 2006		

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/541,520	Edward R Burns	96700/1029

INTERNATIONAL APPLICATION NO.

PCT/US04/00338

I.A. FILING DATE	PRIORITY DATE
01/08/2004	01/09/2003

CONFIRMATION NO. 2010

/371 FORMALITIES LETTER



\*OC000000018060277\*

Craig J Arnold  
 Amster, Rothstein & Ebenstein  
 90 Park Avenue  
 New York, NY 10016

Date Mailed: 02/17/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 07/07/2005
- Copy of the International Search Report filed on 07/07/2005
- Small Entity Statement filed on 07/07/2005
- U.S. Basic National Fees filed on 07/07/2005
- Priority Documents filed on 07/07/2005
- Specification filed on 07/07/2005
- Claims filed on 07/07/2005
- Abstracts filed on 07/07/2005
- Drawings filed on 07/07/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$1725 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$1790** for a Small Entity:

- **\$65** Surcharge.
- Total additional claim fee(s) for this application is **\$ 1725**
  - **\$1725** for **69** total claims over 20.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PATRICIA A BOOKER

Telephone: (703) 308-9140 EXT 204

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/541,520	PCT/US04/00338	96700/1029